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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,585	10/22/2001	Nobuyoshi Sakatani	83365.0001 6588	
26021	7590 10/25/2005		EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE			BRUCKART, BENJAMIN R	
SUITE 1900	211121102		ART UNIT	PAPER NUMBER
LOS ANGELES, CA 90071-2611			2155	

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/020,585	SAKATANI, NOBUYOSHI				
Office Action Summary	Examiner	Art Unit				
	Benjamin R. Bruckart	2155				
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the o	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on 29 A	lugust 2005					
·= · · · · · · · · · · · · · · · · · ·						
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
• •	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
• _						
· · · · · · · · · · · · · · · · · · ·	Claim(s) <u>1-20</u> is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
·_ · · · · · · · · · · · · · · · · · ·						
	) Claim(s) 1-20 is/are rejected.					
	7) Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date:	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:					

#### **Detailed Action**

Claims 1-20 are pending in this Office Action.

Claims 1, 3, 7, 9, 11, 14, 15, 19 and 20 are amended.

Claims 21 and 22 are cancelled as drawn to a non-elected invention.

There are no new claims.

The 35 U.S.C. 112, second paragraph rejection is withdrawn in light of applicant's amendments and arguments.

#### **Response to Arguments**

Applicant's arguments filed in the amendment filed 8/29/05, have been fully considered but they are not persuasive and moot in view of new grounds of rejection. The reasons are set forth below.

## Applicant's invention as claimed:

Claims 1-8, 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,442,529 by Krishan et al in view of U.S. Patent 5,796,952 by Davis et al.

Regarding claim 1,

The Krishan reference teaches

an information delivery system (Krishan: col. 3, lines 29-32), comprising:

a computer terminal (Krishan: Fig. 1A 1B, tag 22); and

an information provider server (Krishan: Fig. 1A 1B, tag 24, col. 9, line 5),

wherein said computer terminal and said information provider server are connected with each other via a network (Krishan: Fig. 1A 1B; col. 4, lines 37-46);

said information provider server transmits content to said computer terminal in response to being accessed by said computer terminal (Davis: col. 5, lines 5-56; Krishan: col. 3, lines 29-37); and

said computer terminal accesses a predetermined server via a network (Krishan: col. 5, lines 52- col. 6, line 17), and automatically retrieves and displays delivery information (Krishan: col. 5, lines 52- col. 6, line 17), in the case where, after said computer terminal displays the received contents as display information (Krishan: col. 5, lines 52- col. 6, line 17) it is judged

Page 3

that an entering operation is not executed for said content displayed as display information for a predetermined period of time by said information receiving program or the information receiving program obtained by the tag (Krishan: col. 3, lines 46-62).

The Krishan reference does not explicitly state information receiving program embedded in an HTML formatted content although it does mention scripts like VB scripts and java scripts.

The Davis reference teaches.

said information provider server transmits content <u>having an information receiving</u> <u>program or a tag for information receiving program to said computer terminal in response to being accessed by said computer terminal (Davis: col. 5, lines 5-56); and</u>

The Davis reference further teaches the invention monitors users interactions with resources to track the effectiveness of the resources (Davis: col. 3, lines 14-34, 54- col. 4, line 10).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create an advertisement delivery system as taught by Krishan while employing an embedded downloaded program as taught by Davis in order to monitor user interactions with resources and see their effectiveness (Davis: col. 3, lines 14-34, 54- col. 4, line 10).

Claim 2 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Davis and Krishan.

Regarding claim 2, the information delivery system according to claim 1, further comprising: an information delivery server connected to the network (Krishan: col. 5, lines 52- col. 6, line 17),

wherein said information delivery server provides the delivery information in response to being accessed by said computer terminal (Krishan: col. 5, lines 52- col. 6, line 17).

## Regarding claim 3,

The Krishan reference teaches:

an advertisement delivery system for automatically delivering advertisements to a viewer computer terminal via a network (Krishan: col. 5, lines 52- col. 6, line 17), comprising:

wherein advertisement information, which is delivered in response to access by the viewer computer terminal (Krishan: col. 5, lines 52- col. 6, line 17), is displayed on a screen of the viewer computer terminal in the case where it is judged that an entering operation is not executed for said HTML formatted content obtained by the viewer computer terminal via the network for a predetermined period of time by said information receiving program (Krishan: col. 3, lines 46-62; col. 5, lines 52- col. 6, line 17), after the HTML formatted content is displayed on the viewer computer terminal (Krishan: col. 20, lines 1-27).

The Krishan reference does not explicitly state information receiving program embedded in an HTML formatted content although it does mention scripts like VB scripts and java scripts.

The Davis reference teaches:

an information receiving program embedded in an HTML formatted content which is obtained by the viewer computer terminal via the network (Davis: col. 5, lines 4-34).

Application/Control Number: 10/020,585

Art Unit: 2155

The Davis reference further teaches the invention monitors users interactions with resources to track the effectiveness of the resources (Davis: col. 3, lines 14-34, 54- col. 4, line 10).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create an advertisement delivery system as taught by Krishan while employing an embedded downloaded program as taught by Davis in order to monitor user interactions with resources and see their effectiveness (Davis: col. 3, lines 14-34, 54- col. 4, line 10).

Claims 4-6 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Davis and Krishan.

Regarding claim 4, the advertisement delivery system according to claim 3, wherein said information receiving program received via the network is embedded in the HTML formatted content, based on tag information provided in the HTML formatted content obtained by the viewer computer terminal (Davis: col. 5, lines 4-34).

Regarding claim 5, the advertisement delivery system according to claim 3, wherein said information receiving program itself is embedded in the HTML formatted content (Davis: col. 5, lines 4-34), in any one case of a case where the HTML formatted content passes through a relay server for relay of a server providing the HTML formatted content, and a case where the HTML formatted content passes through a provider for providing the viewer computer terminal with a connecting service (Davis: col. 4, lines 38-54).

Regarding claim 6, the advertisement delivery system according to claim 3, wherein the information receiving program is embedded based on tag information which is embedded in the HTML formatted content on a relay server for relay of a server providing the HTML formatted content, or based on tag information which is embedded in the HTML formatted content at the time the HTML formatted content passes through a provider, the provider providing the viewer computer terminal with a connecting service (Davis: col. 4, lines 38-54; col. 5, lines 4-34).

Regarding claim 7,

The Krishan reference teaches:

an information delivery program (Krishan: col. 3, lines 29-32), causing a computer to execute:

an entering operation judgment function for judging that an entering operation by a user is not executed <u>for said Web page obtained via the network and displayed on a computer for a predetermined period of time under a condition that said Web page obtained via a network is displayed (Krishan: col. 3, lines 46-62; col. 5, lines 52- col. 6, line 17);</u>

a content obtaining function for obtaining content from a predetermined server via the network in the case that it is judged that the entering operation by a user is not executed by said entering operation judgment function (Krishan: col. 5, lines 52- col. 6, line 17); and

a content display function for displaying the content obtained by said content obtaining function (Krishan: col. 5, lines 52- col. 6, line 17).

The Krishan reference does not explicitly state information receiving program embedded in an HTML formatted content although it does mention scripts like VB scripts and java scripts.

The Davis reference teaches:

an information delivery program <u>delivered according to a web page obtained via a network and displayed on a computer</u>, (Davis: col. 5, lines 4-56), causing a computer to execute:

The Davis reference further teaches the invention monitors users interactions with resources to track the effectiveness of the resources (Davis: col. 3, lines 14-34, 54- col. 4, line 10).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create an advertisement delivery system as taught by Krishan while employing an embedded downloaded program as taught by Davis in order to monitor user interactions with resources and see their effectiveness (Davis: col. 3, lines 14-34, 54- col. 4, line 10).

Claim 8 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Davis and Krishan.

Regarding claim 8, the information delivery program according to claim 7, wherein the content is displayed in place of the displayed Web page in said content display function (Krishan: col. 19, lines 41-67).

Regarding claim 11, an information delivery program for executing a predetermined function on an HTML formatted content obtained via a network and displayed on a computer (Krishan: col. 5, lines 52- col. 6, line 17; col. 20, lines 1-7), said program causing a computer to operate:

a supervising means for supervising an operation by a viewer in a state that the HTML formatted content is displayed by the browser (Krishan: col. 13, lines 8-21); and

a displaying means for displaying an obtained delivery content in place of the HTML formatted content in the case where the operation by the viewer for <u>said HTML formatted</u> content displayed by <u>said</u> browser is not executed under a predetermined condition (Krishan: col. 5, lines 52- col. 6, line 17).

The Krishan reference does not explicitly state information receiving program embedded in an HTML formatted content although it does mention scripts like VB scripts and java scripts.

The Davis reference teaches:

information delivery program for executing a predetermined function on an HTML formatted content obtained via a network according to HTML formatted content (Davis: col. 5, lines 4-56)

The Davis reference further teaches the invention monitors users interactions with resources to track the effectiveness of the resources (Davis: col. 3, lines 14-34, 54- col. 4, line 10).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create an advertisement delivery system as taught by Krishan while employing an embedded downloaded program as taught by Davis in order to monitor user interactions with resources and see their effectiveness (Davis: col. 3, lines 14-34, 54- col. 4, line 10).

Claims 12-13 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Davis and Krishan.

Regarding claim 12, the information delivery program according to claim 11, wherein the delivery content is any content specified in a server side providing the HTML formatted content, and content which the browser obtained by accessing an information delivery server connected to the network (Krishan: col. 5, lines 52- col. 6, line 17; col. 20, lines 1-7).

Regarding claim 13, the information delivery program according to claim 11, wherein the supervising function is provided with a timer function operating by counting up after the HTML formatted content is displayed by the browser, or by counting up after a predetermined entering operation is executed by a viewer, and the operation by the viewer is supervised by use of the timer function (Krishan: col. 17, lines 32-42; col. 18, lines 6-47).

Regarding claim 14, a server, which is connected to a network and provides a computer apparatus connected to the network with a predetermined program (Krishan: col. 5, lines 42- col. 6, line 17), said server comprising:

an accepting means of a program receiving request for accepting a program receiving request executed based on tag information which is obtained by the computer apparatus via the network (Krishan: col. 19, lines 41- col. 20, line 27); and

a program providing means for providing an information receiving program based on the program receiving request accepted by use of said accepting means of the program receiving request (Krishan: col. 5, lines 42- col. 6, line 17; col. 18, lines 6-37), the information receiving program being for accessing a predetermined server via the network from the computer apparatus to pull a screen saver page, which is to be displayed on the computer apparatus (Krishan: col. 5, lines 42- col. 6, line 17; col. 18, lines 6-37) in the case where, after said HTML content is displayed on said computer apparatus, no operation is executed for the HTML content displayed on said computer apparatus for a predetermined period of time (Krishan: col. 3, lines 46-62).

The Krishan reference does not explicitly state information receiving program embedded in an HTML formatted content although it does mention scripts like VB scripts and java scripts.

The Davis reference teaches:

an accepting means of a program receiving request for accepting a program receiving request executed based on tag information contained in an HTML content which is obtained by the computer apparatus via the network (Davis: col. 5, lines 4-56);

The Davis reference further teaches the invention monitors users interactions with resources to track the effectiveness of the resources (Davis: col. 3, lines 14-34, 54- col. 4, line 10).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create an advertisement delivery system as taught by Krishan while employing an embedded downloaded program as taught by Davis in order to monitor user interactions with resources and see their effectiveness (Davis: col. 3, lines 14-34, 54- col. 4, line 10).

Regarding claim 15, an information delivery server, which is connected to a network and provides a computer apparatus connected to the network with contents (Krishan: col. 3, lines 29-32), the information delivery server comprising:

an access accepting means for accepting access from the computer apparatus based on an action of an information receiving program displayed on the computer apparatus (Krishan: col. 3, lines 29-37); and

a delivery information providing means for providing the computer apparatus with information delivery content in response to being accessed by the computer apparatus and based on the information receiving program (Krishan: col. 3, lines 29-37; col. 5, lines 42- col. 6, line 17), the information delivery content being automatically displayed when it is judged that a predetermined entering operation is not executed for said HTML content displayed on said computer apparatus by said information receiving program (Krishan: col. 3, lines 46-62; col. 5, lines 42- col. 6, line 17).

The Krishan reference does not explicitly state information receiving program embedded in an HTML formatted content although it does mention scripts like VB scripts and java scripts.

The Davis reference teaches:

information receiving program <u>delivered according to</u> an HTML content displayed on the computer apparatus (Davis: col. 5, lines 5-56); and

The Davis reference further teaches the invention monitors users interactions with resources to track the effectiveness of the resources' (Davis: col. 3, lines 14-34, 54- col. 4, line 10).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create an advertisement delivery system as taught by Krishan while employing an embedded downloaded program as taught by Davis in order to monitor user interactions with resources and see their effectiveness (Davis: col. 3, lines 14-34, 54- col. 4, line 10).

Claims 16-18 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Davis and Krishan.

Regarding claim 16, the information delivery server according to claim 15, further comprising a judgment means for judging whether or not the computer apparatus belongs to a predetermined group (Krishan: col. 11, lines 50-67),

wherein said delivery information providing means provides the computer apparatus with the information delivery content being within a range predetermined for each predetermined group (Krishan: col. 11, lines 50-67).

Regarding claim 17, the information delivery server according to claim 15, wherein said delivery information providing a means to refer cookie information at the time of the access from the computer apparatus, selects the delivery content based on the referred cookie information, and provides the computer apparatus with the delivery content.

Application/Control Number: 10/020,585

Art Unit: 2155

Regarding claim 18, the information delivery server according to claim 15, wherein the information of a delivery content provided by said delivery information providing means is any one of a URL of the destination to which the delivery content is delivered and the delivery content itself, in which access to the other site is not required (Krishan: col. 14, lines 7-43).

Regarding claim 19,

The Krishan reference an advertising information delivery method for delivering advertising information to a viewer computer terminal via a network (Krishan: col. 3, lines 29-32), said advertising information delivery method comprising the steps of:

supervising an entering operation for <u>said HTML</u> content obtained by <u>said</u> viewer computer terminal by use of the information receiving program after the HTML content is displayed on the viewer computer terminal (Krishan: col. 17, lines 32-42; col. 18, lines 6-47); and

delivering the advertising information to the viewer computer terminal from a predetermined server via the network by access from the viewer computer terminal when it is judged that a predetermined entering operation is not executed for said HTML content obtained by said viewer computer terminal for a predetermined period of time (Krishan: col. 5, lines 42-col. 6, line 17) by said information receiving program.

The Krishan reference does not explicitly state information receiving program embedded in an HTML formatted content although it does mention scripts like VB scripts and java scripts.

The Davis reference teaches:

an information receiving program embedded in an HTML formatted content which is obtained by the viewer computer terminal via the network (Davis: col. 5, lines 4-34).

The Davis reference further teaches the invention monitors users interactions with resources to track the effectiveness of the resources (Davis: col. 3, lines 14-34, 54- col. 4, line 10).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create an advertisement delivery system as taught by Krishan while employing an embedded downloaded program as taught by Davis in order to monitor user interactions with resources and see their effectiveness (Davis: col. 3, lines 14-34, 54- col. 4, line 10).

Claim 20 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Davis and Krishan.

Regarding claim 20, the advertising information delivery method according to claim 19, wherein it is determined whether a predetermined operation is executed or not for the viewer computer terminal, and when the <u>predetermined</u> operation is executed, the advertising information is delivered without awaiting a passage of the predetermined period of time (Krishan: col. 16, lines 24-32; Figure 6A).

Application/Control Number: 10/020,585

Art Unit: 2155

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,442,529 by Krishan et al in view of U.S. Patent 5,796,952 by Davis et al in further view of U.S. Patent Publication 2001/0016858 by Bates et al.

Regarding claim 9,

The Krishan and Davis references teach:

the information delivery program according to claim 8.

The Krishan and Davis references do not explicitly teach displaying a webpage and content but does not explicitly state restarting display.

The Bates reference teaches:

causing a computer to further execute a display restart function for restarting to display the Web page in the case where a predetermined entering operation is executed by a user, after the content is displayed in place of the displayed Web page by said content display function (Bates: page 3, para 42-44).

The Bates reference further teaches the invention refocuses the area and minimizes errors and increases productivity (Bates: page 1, para 8-10).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create an advertisement delivery system as taught by Krishan and Davis while employing restarting the display as taught by Bates in order to refocuses the area and minimizes errors and increases productivity (Bates: page 1, para 8-10).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,442,529 by Krishan et al in view of U.S. Patent 5,796,952 by Davis et al in further view of U.S. Patent 6,102,406 by Miles et al.

Regarding claim 10,

The Krishan and Davis references teach:

the information delivery program according to claim 7.

The Krishan and Davis references do not explicitly state allowing a user to specify a category although it does teach a use inputting profile information.

The Miles reference teaches:

a category specifying function for allowing a user to specify a category which the user desires to obtain by use of said content obtaining function (Miles: col. 7, lines 59- col. 8, line 63); and

a writing function for writing information regarding the category specified by said category specifying function into a cookie as user information (Miles: col. 8, lines 38-63).

The Miles reference further teaches cookies allow sites to track things about pages or users preferences and customize the web site based on the defined preferences (Miles: col. 8, lines 38-63).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create an advertisement delivery system as taught by Krishan and Davis while employing category input and storing it in cookies as taught by Miles in order to allow sites to

Application/Control Number: 10/020,585 Page 10

Art Unit: 2155

track things about pages or users preferences and customize the web site based on the defined preferences (Miles: col. 8, lines 38-63).

#### **REMARKS**

Applicant has amended the independent claims with language to specify the program is embedded in the HTML and argued the combination of Krishan with Davis.

## **The Applicant Argues:**

It wouldn't be obvious to modify the Krishan reference to get the program through a webpage instead of pre-installing it.

**In response**, the examiner\_respectfully submits:

The Davis reference teaches many benefits and improvements that can be added to Krishan as well as the fact they are analogous arts. One motivation, which is provided, is that the Davis reference further teaches the invention monitors users interactions with resources to track the effectiveness of the resources (Davis: col. 3, lines 14-34, 54- col. 4, line 10) of all users (col. 1, lines 55-64). Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create an advertisement delivery system as taught by Krishan while employing an embedded downloaded program as taught by Davis in order to monitor user interactions with resources and see their effectiveness (Davis: col. 3, lines 14-34, 54- col. 4, line 10). Allowing this program to run on all users' computer eliminates the need to pre-install and allows instantaneous monitoring and data transfer.

The Davis reference further teaches the program does not need to be embedded within a program, teaching it can be "embedded within a browser or on the client itself." This shows the combination between Krishan and Davis is proper and that it would have been obvious to use the features of Krishan and Davis to teach the claim invention.

The applicant is encouraged to detail and further define the conditions in which the program is transferred and communicates with the client. The use of tags with programs could be a possible avenue for detail.

## Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

Application/Control Number: 10/020,585 Page 12

Art Unit: 2155

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart Examiner Art Unit 2155

brb BRB

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER